

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

VALENCIA EVERHART,  
6269 Stover Ave  
Cincinnati, OH 45237

Plaintiff,

vs.

CREDIT VISION, INC.  
a foreign corporation  
c/o Christopher Falco  
4711 Shadywood Lane  
Colleyville, TX 76034

Defendant.

: Case No.:

: **COMPLAINT**

: **Jury Demand Endorsed Hereon.**

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**NOW COMES THE PLAINTIFF, VALENCIA EVERHART, BY AND  
THROUGH COUNSEL, RICHARD P. GABELMAN, and for her Complaint against  
the Defendant, pleads as follows:**

**JURISDICTION**

1. This court has jurisdiction under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.

**VENUE**

2. Venue is proper in the Southern District of Ohio as the Defendant conducts business in the entire State of Ohio.

### **PARTIES**

3. Valencia Everhart is an individual residing in Cincinnati, Ohio in Hamilton County.
4. Credit Vision, Inc. is a foreign corporation that conducts business in the State of Ohio.

### **GENERAL ALLEGATIONS**

5. Defendant is attempting to collect a consumer type debt allegedly owed by Plaintiff to Appliance Warehouse in the amount of \$1,317.00 (“the alleged Debt”).
6. Plaintiff disputes the alleged Debt.
7. On March 23, 2019, Plaintiff obtained her Trans Union credit disclosure and noticed Defendant reporting the alleged Debt.
8. On or about June 5, 2019, Plaintiff sent Defendant a letter disputing the alleged Debt.
9. On August 7, 2019, CBC Innovis, obtained Plaintiff’s Trans Union credit file.
10. On August 7, 2019, Plaintiff obtained her Trans Union credit disclosure, which showed that Defendant failed or refused to flag the account reflected by the alleged Debt as disputed, in violation of the FDCPA.
11. In the credit reporting industry, data furnishers, such as the Defendant, communicate electronically with the credit bureaus.

12. Defendant had more than ample time to instruct Experian, Equifax, and Trans Union to flag its trade line as Disputed.

13. Defendant's inaction to have its trade line on Plaintiff's credit reports flagged as disputed was either negligent or willful.

14. Plaintiff suffered pecuniary and emotional damages as a result of Defendant's actions. Her credit report continues to be damaged due to the Defendant's failure to properly report the associated tradeline.

### **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Plaintiff reincorporates the preceding allegations by reference.

16. At all relevant times, Defendant, in the ordinary course of its business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.

17. Plaintiff is a "consumer" for purposes of the FDCPA, and the account at issue in this case is a consumer debt.

18. Defendant is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).

19. Defendant's foregoing acts in attempting to collect this alleged debt violated the following provisions of the FDCPA:

- a. 15 U.S.C. §1692e(8) by communicating to any person credit information which is known to be false or which should be known to be false, including failure to report a disputed debt as disputed.

20. To date, and a direct and proximate cause of the Defendant's failure to honor its statutory obligations under the FDCPA, the Plaintiff has continued to suffer from a degraded credit report and credit score.

21. Plaintiff has suffered economic, emotional, general, and statutory damages as a result of these violations of the FDCPA.

**WHEREFORE, PLAINTIFF PRAYS** that this court grant her a judgment against Defendant for actual damages, costs, interest, and attorneys' fees.

#### **PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment against Defendant for Actual Damages; Statutory Damages; Damages for pecuniary, economic and emotional damages and loss; Attorney's Fees and the costs of this action.

#### **JURY DEMAND**

Plaintiff hereby demands a trial by Jury.

Dated: May 27, 2020

Respectfully submitted,

/s/Richard P. Gabelman

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*Attorney for Plaintiff*